

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

vs.

CASE NO. 3:97CR00229-012 (JAF)

MARCOS A. RIVERA-HERNANDEZ

* * * * *

**MOTION IN RESPONSE TO COURT ORDER
DATED SEPTEMBER 8, 2006**

TO THE HONORABLE JOSE A. FUSTE
CHIEF U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, MARTIN DE SANTIAGO, SENIOR U.S. PROBATION OFFICER of this Court, presenting the following information in response to the court order dated September 8, 2006:

The undersigned apologizes for the tardiness of the filing of this motion. This officer was on annual leave from September 8, 2006 until October 10, 2006.

Mr. Rivera-Hernández was sentenced on November 22, 1999 to forty-five (45) months of imprisonment after he was convicted of violating 21 U.S.C. § 846. A supervised release term of five (5) years was imposed with the special conditions of drug testing; refraining from possessing controlled substances and firearms, and financial disclosure. A special monetary assessment in the amount of \$100 was also imposed.

Since the onset of his supervision, that being on March 28, 2003, he has been supervised by the U.S. Probation Office in the Southern District of Florida. According to our sister agency in Miami, Florida, Mr. Rivera-Hernández has been in compliance with his conditions of release by maintaining stable and gainful employment and by living a productive and family lifestyle.

WHEREFORE, in view of the aforementioned, unless ruled otherwise, it is respectfully recommended that the Court grant the offender's request for early termination.

In San Juan, Puerto Rico, this 11th day of October 2006.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Martin De Santiago
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CERTIFICATE OF SERVICE

I HEREBY certify that on October 11, 2006, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Sonia I. Torres-Pabon, Assistant U.S. Attorney; Rosa E. Rodríguez-Vélez, Acting U.S. Attorney; and Ricardo R. Pesquera-Annexy, Esq.

In San Juan, Puerto Rico, this 11th of October 2006.

s/Martin De Santiago
Martin De Santiago
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